

**FILED**

**MAR 10 2006**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

STATE OF ARIZONA,

Plaintiff - Appellee,

v.

NEALE E. SMITH,

Defendant - Appellant.

No. 06-15059

D.C. No. CV-05-00626-DCB

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
David C. Bury, District Judge, Presiding

Submitted March 6, 2006<sup>\*\*</sup>

Before: BEEZER, T.G. NELSON and BEA, Circuit Judges.

Upon review of the record and appellant's response to this court's February 9, 2006 order to show cause, this court hereby summarily affirms the district

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

06-15059

court's order remanding the action to state court. *See United States v. Hooton*, 693 F.2d 857 (9th Cir. 1982) (per curiam) (summary affirmance appropriate where result is clear from face of record).

**AFFIRMED.**